ONUSAL
EL SALVADOR

THE PEACE PROCESS IN EL SALVADOR AND THE UNITED NATIONS

In October 1989, the Secretary-General of the United Nations reported to the Security Council and the General Assembly on "the agreement reached on 15 September in Mexico City between the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional (FMLN) and designed to initiate a dialogue aimed at ending the armed conflict in El Salvador by political means".[1]

In the same agreement, both parties invited the Secretary-General to send a representative, as a "witness", to the subsequent talks in San José, Costa Rica, on 16 and 17 October. The Secretary-General accepted, within the framework of the "mission of good offices" which the Security Council had assigned to him.[2]

In December 1990, the Government of President Alfredo Cristiani and FMLN each separately requested the Secretary-General to assist them in the search for peace. This idea was also reflected in the declaration adopted by the five Central American Presidents at a meeting in the capital of Costa Rica in the same month.

GENEVA AGREEMENT

Thereafter, efforts were concentrated on the establishment of a frame of reference "with a view to agreeing on the format, mechanics and pace of a process aimed to bring, in the shortest possible time", under the auspices of the Secretary-General of the United Nations, "an end to the armed conflict once and for all" in El Salvador.[3]

This framework was established with the so-called Geneva Agreement of 4 April 1990, whereby the Salvadorian Government and the Frente Farabundo Martí para la Liberación Nacional undertook not to abandon the negotiations unilaterally.

This is a genuinely national effort which includes the assistance of the Secretary-General and has the backing of the international community, with four objectives: ***"to terminate the armed conflict by political means in the shortest time, to promote democratization of the country, to guarantee the unrestricted respect of human rights and to reunify Salvadorian society".***[4]

This Geneva Agreement also opened a way for the participation of the political parties and other representative social organizations in El Salvador.

CARACAS AGREEMENT

The next step was to draw up a general agenda and a timetable for the entire negotiation process which were announced at Caracas on 21 May 1990.

The process consists of two phases. First of all, political agreements have to be reached in various fields, which in due course will make it feasible to reach a settlement of the armed confrontation. The document signed in the Venezuelan capital specified that, subject to the approval of the Security Council, monitoring of those political agreements would be initiated simultane-

[1] Report of the Secretary-General. S/20699/Add.1 9 October 1989.
[2] Security Council Resolution 637 (1989).
[3] Press Release SG/SM/4426—4 April 1990.
[4] *Idem.*

ously with the agreements to be reached at the negotiating table.

The agenda of the political agreements includes: the armed forces; human rights; judicial and electoral systems; constitutional reform; social and economic problems; and, finally, verification by the United Nations.

The second phase of negotiations will lead to the establishment of the guarantees and conditions necessary for reintegrating the members of FMLN, within a *de jure* framework, into the civil, institutional and political life of the country.

A series of complex negotiations has thus developed; they include a direct dialogue between negotiating commissions, involving the active participation of a representative of the Secretary-General and mediation by the Secretary-General himself.

SAN JOSÉ AGREEMENT

On 26 July 1990, the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional (FMLN) signed, in the Costa Rican capital, an agreement of vital importance on human rights, which included the establishment of a United Nations verification mission to monitor, at the national level and over the long term, the observance and guaranteeing of fundamental rights and freedoms.[5] This mission is unprecedented in the history of the United Nations.

The Geneva and San José Agreements established that United Nations verification was to start after cessation of the armed confrontation. Nevertheless, in early November of 1990, the Salvadorian Government and FMLN requested the Secretary-General to initiate verification of the human rights agreement as soon as possible.

In December 1990, the Secretary-General notified the Security Council of his intention to propose the establishment of ONUSAL, i.e., the United Nations Observer Mission in El Salvador, in order to initiate verification of the San José Agreement. Subsequently, in March of 1991, he sent a preliminary mission which evaluated on the spot the possibilities of verifying that Agreement without a cease-fire. The mission had contact with governmental representatives and a wide range of political groups and, with the full knowledge of the Government, visited zones of conflict where it met representatives of FMLN.

The preliminary mission "concluded that there is a strong and widespread desire in all sectors of opinion in El Salvador that the United Nations commence, as soon as possible, the verification of the Agreement without awaiting a cease-fire". As regards the risks that armed conflicts presented for the tasks of verification and the security of the personnel, caution was advised, and it was concluded that this factor "should not prevent the establishment of the Mission before a cease-fire".[6]

Shortly afterwards, the Secretary-General stated that he had decided "to accept the preliminary mission's recommendations that the human rights component of ONUSAL be established at the earliest feasible moment in advance of an agreement on a cease-fire".

MEXICO CITY AGREEMENTS

During the month of April 1991 and in the course of a prolonged series of negotiations, the Government of El Salvador and the Frente Farabundo Martí para la Liberación Nacional agreed on important constitutional reforms concerning the armed forces, the judicial system and human rights, and the electoral system. The Legislative Assembly, whose mandate expired on 30 April, adopted them. Their entry into force is subject to ratification by the present Legislative Assembly.

ONUSAL, A UNIQUE MISSION

"Issues are being aired openly which heretofore were not touched upon in public", said the Secretary-General on the first anniversary of the signing of the Geneva Agreement, confirming that the situation in El Salvador had developed considerably since the start of negotiations. "Salvadorian society stands as if poised to undergo a profound transformation which will permit peace, once it comes about, to take hold irrevocably

[5]Agreement on Human Rights of 26 July 1990. A/44/971 or S/21541.

[6]Report of the Secretary-General. S/22494—16 April 1991.

and irreversibly."[7] He also recalled that we must be wary of rising expectations because, in spite of the prospects for progress, the difficulties facing the negotiators were daunting, such as the issue of armed forces.

In this connection, the Secretary-General drew the attention of the Security Council to the need for an integrated system for monitoring compliance with the various agreements that were emerging as a result of the negotiations between the Salvadorian parties, adding that, in due time, it was hoped that they would include supervision of a separation of forces and a cessation of the armed conflict.

On 20 May 1991, the Council unanimously adopted a resolution establishing the United Nations Observer Mission in El Salvador (ONUSAL) to monitor all agreements concluded between the Government and FMLN, starting with the human rights component, in accordance with the Agreement signed by both parties on 26 July 1990 in San José, Costa Rica.[8] The parties have to cooperate with ONUSAL in order to ensure that it has full freedom of movement and of access to all information which it considers relevant in order to enable it to carry out to the full the functions assigned to it concerning human rights in El Salvador.

In general terms, the verification tasks of this component include: active surveillance of the human rights situation; investigation of specific charges of human rights violations; promotion of human rights, formulation of recommendations for eliminating violations and promoting respect for those rights; and, lastly, submission of reports to the Secretary-General and, through him, to the Security Council and the General Assembly of the United Nations. All these tasks will be carried out gradually.

ACTIVE MONITORING

The first step will be centred on the active monitoring of the human rights situation, and on the processing by the parties or by interested persons or organizations of cases involving allegations of violations. It is estimated that it will take 60 to 90 days during which the regional offices and sub-offices will also be established.

Active monitoring includes ONUSAL visits to zones and population centres where human rights violations have been or may be committed, in order to prevent acts of violence or their repetition, and to build confidence among the citizens.

ONUSAL will move to the governmental (public and military) centres of interrogation and detention. It will do likewise in the corresponding FMLN centres or places. There it will interview both the detainees and the persons in charge of the detention centres.

It will also supervise the existing legal authorities concerned with human rights violations and evaluate the operation of civil and military bodies in charge of investigating reported cases.

At this first phase, the Mission will not investigate specific cases of violation, unless it is otherwise decided because of their crucial importance, but its personnel will be able to travel all over the territory in order to ascertain the current situation. A public information campaign will also be carried out on its objectives and limitations.

SECOND STAGE

After 60 to 90 days, the human rights verification component will enter into its second phase. It will then have all the scheduled personnel and will reach its optimum level of operation for carrying out the functions assigned under the San José Agreement.

At that juncture, ONUSAL will step up its direct investigations, promotion of respect for human rights through courses held for various sectors of the population and the State, and the formulation of specific and substantive recommendations for improving existing conditions.

COSTS AND PERSONNEL

A total budget of $23 million has been adopted for the first 12 months of ONUSAL activities. This figure includes the cost of personnel and the purchase of vehicles and communication equipment.

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[7] Idem.
[8] Security Council Resolution 693 (1991).

All together, the Mission will have international personnel consisting of 146 coordinators, supervisors, educators, legal and political officers, etc., 64 police officers and 15 military liaison officers. Locally, 137 assistants and advisers in various branches will be recruited.

The offices of the Chief of Mission and the Director for Human Rights will be in the capital of El Salvador. There will be regional offices in San Salvador, San Miguel, San Vicente and Santa Ana, and the first two will have sub-offices in Chalatenango and Usulután.

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